



Richard S. Bullitt
BAYER HEALTHCARE
36 Columbia Road
Morristown, NJ 07962

In re Application of:	:	
MERTIN, Dirk, et al.	:	
U.S. Application No.: 10/516,344	:	DECISION ON PETITION FOR
PCT No.: PCT/EP03/05228	:	REVIVAL OF ABANDONED
International Filing Date: 19 May 2003	:	APPLICATION UNDER
Priority Date: 31 May 2002	:	37 CFR 1.137(b)
Attorney's Docket No.: LeA 36165	:	
For: PHARMACEUTICAL PREPARATIONS :	:	
FOR ORAL ADMINISTRATION :	:	
CONTAINING ION-EXCHANGE :	:	
RESINS ... THICKENING AGENTS :	:	

This decision is issued in response to the "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 21 November 2005.

BACKGROUND

On 30 November 2004, applicants filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. The Transmittal Letter was accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 31 May 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

On 21 November 2005, applicants filed a response to the Notification Of Missing Requirements that included payment for the required four-month extension of time to respond, an executed declaration, and the Petition For Revival considered herein.

DISCUSSION

Based on the four-month extension of time, applicants' 21 November 2005 submission is considered a timely response to the Notification Of Missing Requirements mailed 31 May 2005. The submission included the executed declaration required by the Notification Of Missing Requirements. Accordingly, the present application did not become abandoned for failure to respond to the Notification Of Missing Requirements. The "Petition For Revival" that accompanied the response to the Notification Of Missing Requirements is therefore moot.

CONCLUSION

The Petition For Revival filed 21 November 2005 is **DISMISSED AS MOOT**.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 November 2005.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459